

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DISTRICT**

**OHIO VALLEY ENVIRONMENTAL)
COALITION, INC.; SIERRA CLUB;)
WEST VIRGINIA HIGHLANDS)
CONSERVANCY, INC.; & WEST)
VIRGINIA RIVERS COALITION;)**

Plaintiffs,

v.

CIVIL ACTION NO. 3:15-cv-00271

**SCOTT PRUITT, Administrator, United)
States Environmental Protection Agency,)
and CECIL RODRIGUES, Acting)
Regional Administrator, United States)
Environmental Protection Agency,)
Region III,)**

Defendants.

EPA’S NOTICE OF DECISION

The Memorandum Opinion and Order entered in this case on February 14, 2017, states that the United States Environmental Protection Agency (“EPA”) “shall approve or disapprove WVDEP’s constructive submission of no TMDLs for all biologically impaired bodies of water for which no TMDL has been developed to address that impairment within thirty days of this order. EPA shall inform the Court upon reaching its decision.” Dkt. 87 at 39. The Court extended the date for EPA to comply with that order until 14 days after such time that the Court of Appeals for the Fourth Circuit denies EPA’s motion for a stay pending appeal. Dkt. 89. Because the Fourth Circuit issued such a denial on May 30, 2017, EPA’s is required to take action on June 13, 2017.

By this filing, EPA provides notice that it has reached its decision, which is set forth in the three attached agency actions on three different groups of impaired waters at issue in this case.

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CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of June, 2017, I filed the foregoing pleading with the Clerk of the Court using the CM/ECF system, which will cause notice and an electronic copy of this filing to be provided to the following ECF participants:

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